

Remarks

Applicants have amended Claims 1 and 12. Applicants submit no new matter has been added by the present amendment and support for the amendment can be found generally throughout the text, specifically at page 7, lines 1-8.

Claim Rejection under 35 U.S.C. § 102(e)

Claims 1-3 and 4-12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Gronowski et al. (U.S. Patent No. 6,974,851). Applicants respectfully traverse this ground of rejection.

In order to anticipate a claim, the cited document must teach each and every element of the claimed invention either expressly or inherently. Gronowski et al. does not teach each and every element of the claimed invention. Gronowski et al. discloses a shaped article which contains a peroxide curable compound. According to Gronowski et al., the peroxide curable compound comprises at least one C₄-C₇ isomonoolefin, at least one C₄-C₁₄ multiolefin monomer, at least one multiolefin crosslinking agent and at least one chain transfer agent.

In the alternative, the present invention relates to compounds comprising elastomeric polymers comprising repeating units derived from at least one C₄ to C₇ isomonoolefin monomer, at least one multiolefin cross-linking agent and at least one chain transfer agent, which due to the lack of multiolefin monomer/conjugated aliphatic diene or β-pinene in the monomer mixture have no double bonds in the polymer chains. While the polymers may have the same gel content the polymers are, in fact, different (non anticipating) polymers. The claimed invention is not identically disclosed in the reference and Applicants submit "any degree of physical difference, however slight, invalidates claims of anticipation." Ultradent Products Inc. v. Life-Like Cosmetics Inc.,

39 USPQ2d 1969, 1980. Accordingly, the polymers contained and claimed in the present inventive compound are distinctly different polymers and are not taught in Gronowski et al.; therefore, Gronowski et al. fails to anticipate the present invention.

Respectfully submitted,

By



Jennifer R. Seng
Attorney for Applicants
Reg. No. 45,851

LANXESS Corporation
Law & Intellectual Property Dept.
111 RIDC Park West Drive
Pittsburgh, Pennsylvania 15275-1112
(412) 809-2233
FACSIMILE PHONE NUMBER:
(412) 809-1054

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